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Attorney for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

ELISHA SHEPHERD,

Plaintiff,

vs.

MILTON J. JAKEWAY and the
UNITED STATES OF AMERICA,

Defendants.

Case No. 3:01-cv-333-JKS

**ERRATA TO PROPOSED
PRETRIAL ORDER
FILED BY DEFENDANTS**

In the Proposed Pretrial Order at Docket 122 and 123, in Section VII Stipulated Statement of Facts, one fact stated is that Mr. Jakeway viewed the videotape which depicted “Elisha Shepherd and her husband having marital relations, including sex.” The government erroneously stipulated to this fact. In the Defendant’s trial brief, the Defendants indicated that the Mr. Jakeway and Mr. Wisel did not recognize the people in the videotape, but they assumed that they

were Mr. and Mrs. Shepherd. Based on Mrs. Shepherd's deposition testimony that there were two other adult videotapes on top of the gun cabinet, the Defendants cannot be sure that the videotape viewed by Mr. Jakeway was the one of the Shepherds or one of the other two adult videotapes. Therefore, the Defendants withdraw their stipulation to this fact.

In light of this error, the Defendants will discuss at the pretrial conference the addition of a new issue regarding whether Mr. Jakeway actually ever viewed the videotape made by Mr. and Mrs. Shepherd.

Respectfully requested this 19th day of April, 2006,

DEBORAH M. SMITH
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s/ Susan J. Lindquist
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CERTIFICATE OF SERVICE

I hereby certify that on April 19, 2006
a copy of the foregoing **ERRATA TO PROPOSED**
PRETRIAL ORDER FILED BY DEFENDANTS was served
electronically on Yale H. Metzger,
and via first class mail to
LeRoy E.DeVeaux.

s/ Susan J. Lindquist